

Panaji, 20th March, 1997 (Phalgun 29, 1918)

SERIES II No. 51

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** There are three Extraordinary issues to the Official Gazette, Series II No. 50 dated 13-3-97 as follows:

- 1) Extraordinary dated 13-3-97 from pages 867 to 872 regarding Notifications from Department of Revenue.
- 2) Extraordinary No. 2 dated 13-3-97 from pages 873 to 874 regarding Order from Department of Revenue.
- 3) Extraordinary No. 3 dated 14-3-97 from pages 875 to 876 regarding Notifications from Raj Bhavan.

### GOVERNMENT OF GOA

#### Department of Cooperation

Office of the Asstt. Registrar of Coop. Societies

##### Order

No. 14/23/84/Credit/ARCS/CZ

Read:-

1. Registration Certificate of the Dempo Staff Coop. Credit Society Ltd., Panaji-Goa dated 28-6-1984 issued under this office letter No. 14/23/84/Credit/ARCS/CZ dated 28-6-1984.
2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Joint Secretary to Govt. of Goa, published in the Official Gazette, Series I No. 18 dated 4-8-1994.

The Dempo Staff Co-op. Credit Society Ltd., Panaji was registered on 28-6-1984 under Code Symbol No. ARCS/CZ/3-(b)-12/Goa. The said society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Coop. Societies Rules, 1962 at the time of registration. Now, Government vide Notification dated 3-8-1994 cited at Sr. No. 2 above has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Society" from column No. 3 Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-Class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence the classification of the society needs to be changed. In view of this, I pass the following order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applicable to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the Dempo Staff Coop. Credit Society Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, by reclassifying it as "Credit Resource Society". The society shall follow the same Bye-laws approved on 28-6-1984 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 5th July, 1995.

##### Order

No. 3-Coop.- (b)/25/Goa

Read:-

1. Registration Certificate of the Land Survey Employees Coop. Credit Society Ltd., Panaji Goa issued under this office Memo No. 3-Coop.- (b)-23/Goa dated 3-10-1972.
2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The Land Survey Employees Coop. Credit Society Ltd., Panaji, was registered on 3-10-1972. The said Society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962, at the time of its registration. Now Government, vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3 Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-Class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence the classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the Land Survey Employees Cooperative Credit Society Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962, as in force in the State of Goa, by reclassifying it as "Credit Resource Society". The Society shall follow the same bye-laws approved on 3-10-1972 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 6th July, 1995.

##### Order

No. 3-CO-OP.- (b)-30/Goa

Read:-

- 1) Registration Certificate of the then The Navhind Papers and Publication Employees Coop. Credit Society Ltd., Panaji-Goa, issued under this Office Memo No. 3-COOP.- (b)-30-Goa dated 10-1-1974.
- 2) Amendment dated 2-9-78 changing the name of "The Navhind Papers and Publications Employees Coop. Credit Society Ltd." as Navajeevan Coop. Credit Society Ltd., Panaji.
- 3) Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The Navajeevan Coop. Credit Society Ltd., Panaji-Goa was registered on 10-1-1974. The said society was classified as

"Salary Earners Society" under Rule 9(1) 3(b) of the Coop. Societies Rules, 1962, at the time of its registration. Now Government vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3 and Sub-Class (b) of item No. 3 of Sub Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3, sub-class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence the classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the Navjeevan Coop. Credit Society Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub-Rule (1) of Rule 9 of the Coop. Societies Rules, 1962, as in force in the State of Goa, by re-classifying it as "Credit Resource Society". The Society shall follow the same bye-laws approved on 19-1-1974 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 5th July, 1995.

Order

No. 15/17/82/Credit/ARCS/CZ

Read:- 1. Registration Certificate of the National Institute of Oceanography Employees Coop. Credit Society Ltd., Dona-Paula, Tiswadi-Goa, issued under this office Memo No. 15/17/82/Credit/ARCS/CZ dated 17-11-1982.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Sr. I No. 18 dated 4-8-1994.

The National Institute of Oceanography Employees Coop. Credit Society Ltd., Dona-Paula, Tiswadi-Goa, was registered on 17-11-1982. The said Society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962 at the time of its registration. Now Government, vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3 Sub-Class (b) of Item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-Class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence the Classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the National Institute of Oceanography Employees Coop. Credit Society Ltd., Dona-Paula, Tiswadi-Goa from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, by re-classifying it as "Credit Resource Society". The society shall follow the same Bye-laws approved on 17-11-1982 and subsequent amendment to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 5th July, 1995.

Order

No. AR/CZ/Regn./Credit/81

Read:- 1. Registration Certificate of the Goa Cooperative Workers' Credit Cooperative Society Ltd., Panaji, issued under this Office Memo No. AR/CZ/Regn./Credit/81 dated 17-11-82.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The Goa Cooperative Workers' Credit Cooperative Society Ltd., Panaji was registered on 17-11-1982. The said Society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962 at the time of its registration. Now Government, vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3 Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-Class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence, the Classification of the Society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applicable to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the Classification of the Goa Cooperative Workers' Credit Cooperative Society Ltd., Panaji, from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, by re-classifying it as "Credit Resource Society". The Society shall follow the same bye-laws approved on 17-11-1982 and subsequent amendments to the same approved if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 4th June, 1995.

Order

No. ARCS/CZ/3-(b)-2/Goa/87

Read:- 1. Registration Certificate of the I. P. H. B. Employees Credit Coop. Society Ltd., Panaji-Goa, issued under this Office Memo No. ARCS/CZ/3(b)-2/Goa, dated 21-8-1981.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The I. P. H. B. Employees Credit Coop. Society Ltd., Panaji-Goa, was registered on 21-8-1981. The said Society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962, at the time of its registration. Now Government vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962, as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from Column No. 3, Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Society" in column No. 3 sub-class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence, the classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the I. P. H. B. Employees Credit Cooperative Society Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8(a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa by re-classifying

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it as "Credit Resource Society". The society shall follow the same bye-laws approved on 21-8-1981 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 6th July, 1995.

Order

No. 5/33/85/SBI Credit/ARCS/CZ

Read:- 1. Registration Certificate of the State Bank of India Employees Cooperative Credit Society Ltd., Panaji-Goa, issued under this Office Memo No. 5/33/85/SIB-Credit/ARCS/CZ dated 21-10-1985.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The State Bank of India Employees Cooperative Credit Society Ltd., Panaji, was registered on 21-10-1985. The said society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962 at the time of its registration. Now Government, vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3, Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3, Sub-class (a) of Item No. 8 of Sub-Rule (1) of Rule 9. Hence, the classification of the society needs to be changed. In view of this, I pass the following order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the All Goa PNB Employees Credit & Thrift Cooperative Society Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8 (a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, by re-classifying it as "Credit Resource Society". The Society shall follow the same by-laws approved on 25-10-1985 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 6th July, 1995.

Order

No. ARCS/CZ/REGN/Gomantak/81

Read:- 1. Registration Certificate of the Gomantak Karmachari Sahakari Patpuravatha Saunstha Ltd., Panaji issued under this office Memo No. ARCS/CZ/3(b)/1/Goa dated 25-3-1981.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The Gomantak Karmachari Sahakari Patpuravatha Saunstha Ltd., Panaji was registered on 25-3-1981. The said society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962 at the time of its registration. Now Government, vide Notification dated 3-8-1994 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, thereby deleting the "Salary Earners Societies" from column No. 3 Sub-class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-class (a) of item No. 8 of Sub-Rule (1)

of Rule 9. Hence the classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the Gomantak Karmachari Sahakari Patpuravatha Saunstha Ltd., Panaji from 3(b) of Sub-Rule (1) of Rule 9 to 8 (a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962, as in force in State of Goa, by re-classifying it as "Credit Resource Society". The Society shall follow the same bye-laws approved on 25-3-1981 and subsequent amerdments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 6th July, 1995.

Order

No. ARCS/CZ/Credit/65/ADM/91

Read:- 1. Registration Certificate of the All Goa PNB Employees Credit & Thrift Coop. Society Ltd., Panaji issued under this Office Memo No. ARCS/CZ/Credit/65/ADM/91 dated 5-9-1991.

2. Notification No. 42/1/93/TS dated 3-8-1994 from Registrar of Coop. Societies and Ex-Officio Jt. Secretary to the Government of Goa, published in the Official Gazette Series I No. 18 dated 4-8-1994.

The All Goa PNB Employees Credit & Thrift Cooperative Society Ltd., Panaji was registered on 5-9-1991. The said Society was classified as "Salary Earners Society" under Rule 9(1) 3(b) of the Cooperative Societies Rules, 1962 at the time of its registration. Now Government vide Notification dated 3-8-94 cited at Sr. No. 2 above, has amended Rule 9 of the Cooperative Societies Rules, 1962 as inforce in the State of Goa, thereby deleting the "Salary Earners Societies" rom column No 3 Sub-Class (b) of item No. 3 of Sub-Rule (1) of Rule 9 and inserting the "Salary Earners Societies" in column No. 3 Sub-Class (a) of item No. 8 of Sub-Rule (1) of Rule 9. Hence the classification of the society needs to be changed. In view of this, I pass the following Order.

In exercise of the powers vested in me under Sub-Section (2) of Section 12 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, read with Sub-Rule 2 of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, I, D. M. Pathan, Asstt. Registrar of Coop. Societies, Central Zone, Panaji alters the classification of the All Goa PNB employees Credit and thrif Cooperative Society Ltd., Panaji, from 3 (b) of Sub-Rule (1) of Rule 9 to 8 (a) of Sub-Rule (1) of Rule 9 of the Cooperative Societies Rules, 1962 as in force in the State of Goa, by reclassifying it as "Credit Resource Society". The Society shall follow the same bye-laws approved, on 5-9-1991 and subsequent amendments to the same approved, if any.

Sd/- (D. M. Pathan), Asstt. Registrar of Coop. Societies (Central Zone).

Panaji, 6th July, 1995.

Order

No. 48-1-90/TS

Read:- 1. This office Order No. 48-1-90/TS dated 23-6-1994.

2. Letter dated 26-5-95 from Shri Ashraf Agha, Registrar's Nominee, Panaji.

3. Letter No. 44/10/82/AA/Appt/ARCS/CZ/226 dated 7-6-95 from Asstt. Registrar of Coop. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-1993 and in terms of Sub-

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-section (1) of Section 93 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with Sub-Rule (1) of Rule 73 of the Cooperative Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Cooperative Societies Goa am pleased to extend the term of appointment of Adv. Ashraf Agha, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, Central Zone, Panaji for further period of one year with retrospective effect from 1-4-1995 to 31-3-1996.

G. S. Patil, Dy. Registrar of Coop. Societies, Goa.

Panaji, 16th June, 1995.

**Order**

No. 48-1-90/TS

Read:- 1. This office Order No. 48-1-90/TS dated 12-10-1994.  
 2. Letter dated 7-4-1995 from Shri Ashok S. Mashalkar, Registrar's Nominee, Panaji.  
 3. Letter No. 44/126/84/AEN/ARCS dated 26-4-1995 from Asstt. Registrar of Coop. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-1993 and in terms of Sub-section (1) of section 93 of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa read with Sub-Rule (1) of Rule 73 of the Cooperative Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Cooperative Societies, Goa am pleased to extend the term of appointment of Adv. Ashok S. Mashalkar, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Cooperative Societies functioning under the jurisdiction of Asstt. Registrar of Coop. Societies, Central Zone, Panaji for further period of one year with retrospective effect from 1-4-1995 to 31-3-1996.

G. S. Patil, Dy. Registrar of Coop. Societies, Goa.

Panaji, 19th May, 1995.

**Notification**

No. PRD-(c)-98/AR(Dairy)/Goa

In exercise of the powers vested in me under sub-section (1) of Section 9 of the Maharashtra Cooperative Societies Act, 1960, as applied to the State of Goa, the Halarn Panchkroshi Durdh Utpadak Sahakari Sanstha Maryadit, Halarn Pernem-Goa is registered under code symbol No. PRD-(c)-98/AR(Dairy)/Goa.

M. T. Verlekar, Asstt. Registrar of Coop. Societies (Dairy),

Ponda, 7th June, 1995.

**Certificate of Registration**

The Halarn Panchkroshi Durdh Utpadak Sanstha Maryadit, Halarn, Pernem-Goa has been registered on 7-6-1995 and it bears registration code symbol No. PRD-(c)-98/AR (Dairy)/Goa and it is classified as 'Producers Societies—Agricultural Producers' Society under sub-classification No. 7(c) of Rule 9 of Coop. Societies Rules, 1962.

M. T. Verlekar, Asstt. Registrar of Coop. Societies (Dairy),

Ponda, 7th June, 1995.

**Notification**

No. 60/215/94/TS

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, the Yeshranj Urban Cooperative Credit

Society Ltd., Margao-Goa is registered under code symbol No. RCS-Credit-7-Goa.

S. S. Byali, Registrar of Coop. Societies, Goa.

Panaji, 26th June, 1995.

**Certificate of Registration**

The Yeshranj Urban Cooperative Credit Society Ltd., Margao-Goa is registered on 26-6-95 and it bears registration No. RCS-Credit-7/Goa and it is classified as "Resource Society" under Sub-classification No. 8(a)-Credit Resource Society in terms of Rule 9 of the Coop. Societies Rules, 1962 for the State of Goa.

S. S. Byali, Registrar of Coop. Societies, Goa.

Panaji, 26th June, 1995.

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**Department of Labour**

**Order**

No. 28/29/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

J. M. de Almeida, Jt. Secretary (Labour).

Panaji, 4th January, 1996.

**IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA**

**AT PANAJI**

(Before Shri Ajit Jairam Agni, Hon'ble Presiding Officer)

IT/22/94

Workmen Rep. by Goa Trade & Commercial Workers Union. ... Workmen/Party I

v/s

M/s International Ship Repairs, F. F. F. Complex, Vasco-da-Gama - Goa. ... Employer/Party II

Adv. R. Mangeshkar for Party I/Union.

Adv. A. Nigalye for Party II/Employer.

Panaji, dated : 28-11-95.

**AWARD**

In exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 12-7-93 bearing No. 28/29/93-LAB referred the following dispute for adjudication by this Tribunal.

Whether the action of the management of M/s International Ship Repairs, Vasco-da-Gama, Goa, in terminating the services of Shri Saindas, Turner/Machinist, with effect from 14-3-92 is legal and justified?

If not, to what relief the workman is entitled?

2. On receipt of the reference a case was registered No. IT/22/94 and Registered A. D. notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Party I (for short 'Union') filed the statement of claim which is at Exh. 3. The facts of the case in brief as pleaded by the Union are that the Party II (for short, 'Employer') is engaged in Life Raft Services and has its office at Swantantra Path, Vasco-da-Gama, Goa. That Shri Saindas (for short, 'Workman') was employed

with the employer with effect from 29th July, 1991 as a Turner/Machinist on payment of monthly wages @ Rs. 40/- per day. That the Employer did not issue any letter of appointment to the workman and after several requests were made by the workman for issuing letter of appointment the employer in October, 1991 issued a note book to the workman for recording his daily attendance. That the employer gave additional responsibility to the workman from February, 1992 and he was asked to take charge of the tools of the Store and all the machinery in the workshop. That the employer without any reason refused employment to the workman from 14th March, 1992. That the Union made a complaint to the Asst. Labour Commissioner and thus raised the dispute as regards illegal termination of the services of the workman. That in the conciliation proceedings before the Asst. Labour Commissioner the employer stated that the workman abandoned his services from 14th March, 1992 and as such he was not entitled to any relief from the employer. The Union contended that refusal of employment by the employer amounted to termination of the services of the workman and since it was done in violation of the provisions of the law, the said termination was illegal and unjust. The Union also contended that prior to the termination of the services of the workman no notice was given to him nor his legal dues were paid. The Union therefore claimed that workman was liable to be reinstated with full back wages.

3. The employer filed the written statement which is at Exh 4. The employer contended that the Union had no authority to file the statement of claim on behalf of the workman. The Employer also contended that the dispute raised is an individual dispute between an individual workman and the employer and therefore even if it is assumed that the workman is / was a member of the Union, an office bearer of the Union has no authority to sign or verify the statement of claim on his behalf. The Employer further contended that there was no industrial dispute in existence as referred by the Government between the Union and the employer or between the workman and the employer and hence the reference was not maintainable. The Employer denied that the workman is a "Workmen" within the meaning and scope of Sec. 2 (s) of the Industrial Disputes Act, 1947, and therefore this Tribunal has no jurisdiction to decide the reference. The Employer denied that the workman was employed w. e. f. 29th July, 1991 on payment of the monthly wages at the rate of Rs. 40/- per day. The Employer also denied that the workman was employed as a Turner/Machinist. The Employer stated that the workman was employed in October, 1991 in Administrative/Supervisory capacity purely on humanitarian grounds though he had crossed the age of superannuation. The employer stated that the workman was employed purely on casual basis and it was specifically agreed between the workman and the employer that the workman would have no right to claim any employment with the employer and that his services were liable to be terminated without any reason. The employer denied that the workman had any time demanded the issuance of letter of appointment or that in October, 1991 the workman was issued a note book for recording his daily attendance. The employer denied that the workman was refused employment from 14th March, 1992 and stated that the workman abandoned the services without any notice to the employer. The employer therefore stated that the question of giving any notice or offering legal dues to the workman did not arise as the workman abandoned the services without notice. The employer denied that the workman was entitled to reinstatement with full back wages or for any other relief and stated that the reference was liable to be rejected.

4. Thereafter, the Union filed a rejoinder which is at Exh. 5. In the rejoinder the Union maintained the pleadings made by it in the statement of claim and controverted the pleadings made by the employer in the written statement. On the pleadings of the parties, issues were framed at Exh. 10 which are as follows:

1. Whether Party I proves that the workman Shri Saindas was employed with Party II as a Turner/Machinist w. e. f. 29-7-91 on monthly wages paid at the rate of Rs. 40/- per day ?

2. Whether Party I proves that Shri Saindas is a workman within the meaning of section 2 (s) of the Industrial Disputes Act, 1947 ?

3. Whether Party I proves that the Party II refused employment to the workman Shri Saindas w. e. f. 14-3-92 without any reason ?

4. Whether Party I proves that the termination of the services of the Workman Shri Saindas by Party II w. e. f. 14-3-92 is illegal and unjustified ?

5. Whether Party II proves that the dispute referred is not an industrial dispute and hence this Tribunal has no jurisdiction to entertain and decide the reference ?

6. Whether Party II proves that Party I, Goa Trade & Commercial Workers Union has no locus standi to file the statement of claim on behalf of the workman Shri Saindas or to sign and verify the claim statement ?

7. Whether Party II proves that the reference is bad in law for non application of mind on the part of the Government ?

8. Whether Party II proves that the services of the workman Shri Saindas were not terminated but he voluntarily abandoned his services w. e. f. 14-3-92 without notice ?

9. Whether the workman Shri Saindas is entitled to any relief ?

10. What Award ?

5. After the issues were framed the case was fixed for evidence of the Union on 7-7-95. On the said date the Union prayed for adjournment and hence the case was adjourned to 12-9-95. However, on the said date and also on the subsequent dates i. e. on 28-3-95, 12-10-95 the case was adjourned at the request of the Union. On 9-11-95 when the case was fixed for hearing the Union filed an application at Exh. 11 stating that the workman Shri Saindas had expired and whereabouts of his legal heirs was not known. The Union therefore pray that the matter be treated as withdrawn. Though the Union stated that the workman had expired his death certificate was not produced. Even otherwise the legal heirs of the workman were not brought on record. Since this is a reference from the Government, as per the law a Party is not entitled to withdraw the reference and the reference has to be answered. In the circumstances, the evidence of the Union was closed. Adv. A. Nigalve representing the employer filed an application at Exh 12 stating that he did not wish to lead evidence on behalf of the employer and prayed that the award be passed.

6. The reference of the dispute is made by the Government at the instance of the Union because the Union contended that the termination of the services of the workman by the employer is illegal and unjustified. Therefore, the burden was on the Union to prove its contention that the termination of the services of the workman is illegal and unjustified. The Bombay High Court in the case of V. N. S. Engg., Services v/s Industrial Tribunal, Goa, Daman & Diu reported in FLR Vol. 71 at page 393 has held that the obligation to lead evidence to establish an allegation made by a party is on the party making the allegation, the test being that he who does not lead evidence must fail. The High Court further held that Rule 16-E of the Industrial Disputes (Central Rules, 1957) clearly indicates that the party who raises the industrial dispute is bound to prove the contention raised by him and an industrial tribunal or labour court would be erring in placing the burden of proof on the other party to the dispute. The Allahabad High Court in the case of V. K. Raj Industries v/s Labour Court (I) and others reported in 1981 (29) FLR 194 has held that it is well settled that if a party challenges the validity of an order, the burden lies on him to prove the illegality of the order and if no evidence is produced, the burden invoking the jurisdiction must fail.

7. In view of the above principles laid down by the Bombay High Court and the Allahabad High Court it follows that it was incumbent upon the Union to lead evidence and prove that the termination of the services of the workman Shri Saindas by the employer was illegal and unjustified. Inspite of the opportunities given, the Union failed to lead any evidence. Admittedly the Union did not lead any evidence under the circumstances stated above. Therefore, there is no material before me to hold that the action of the

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employer in terminating the services of the workman is illegal and unjustified. In the circumstances, I hold that the Union has failed to prove that the action of the employer in terminating the services of the workman w. e. f., 14-3-1992 is legal and justified and hence I pass the following.

## ORDER

It is hereby held that the action of the management of M/s International Ship Repairs, Vasco-da-Gama, Goa, in terminating the services of the workman Shri Saindas, Turner/Mechanist w. e. f., 14-3-1992 is legal and justified and the workman is not entitled to any relief.

There shall be no order as to costs. Inform the Government,

Sd/-

(Ajit J. Agni)  
Presiding Officer  
Industrial Tribunal.

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